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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/667,779	09/22/2000	Nicolas Brogne	Q60742	1269
<div>7590 08/15/2007 Sughrue Mion Zinn MacPeak & Seas PLLC 2100 Pennsylvania Avenue NW Washington, DC 20037-3213</div>			<div>EXAMINER DINH, KHANH Q</div>	
			<div>ART UNIT 2151</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE 08/15/2007</div>	<div>DELIVERY MODE PAPER</div>

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/667,779
Filing Date: September 22, 2000
Appellant(s): BROGNE ET AL.

MAILED

AUG 15 2007

Technology Center 2100

David J. Cushing (Reg. No.28,703)

For Appellant

EXAMINER'S ANSWER (Supplemental)

This is in response to the appeal brief filed 1/30/2007 appealing from the Office action mailed 1/3/2006 and the Notice from the Appeal Center (missing Heading # 11) on 7/25/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,870,548	NIELSEN	02-1999
6,327,610	UCHIDA ET AL	12-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

DETAILED ACTION

1. This is in response to the Amendment and Remarks filed on 10/13/2005. Claims 1-12 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, 2, 11 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Nielsen (hereafter Nielsen), U.S. pat. No.5,870,548.

As to claim 1, Nielsen discloses a method of manipulating (modifying) a sent e-mail, addressed by a sender to a plurality of addressees (recipients), said sent email comprising an address header and a body (see fig.6B), wherein said method comprising:

routing a modification message (sending an action message to alter a previously sent message) over a data network (sending a message over Internet, see col.6 lines 17-43) to a server (sender's email system 200 fig.2), that operates independently from any e-mail processing means (sender email programs) associated with each of said addressees (recipients) [enabling sender at the Email Control System to modify message or delete a message after the message left the Email Control System (200 fig.2) to the remote Recipient Email System 202 fig.2 regardless of the sender email programs, see col.6 lines 44-67] and on which at least the body of said sent e-mail is stored, said modification message (409 fig.4) being sent by said sender (sender 407 fig.4) for modifying (altering) said e-mail body (using the senders programs to alter or to modify a previously sent messages located at the Email Receiver, see abstract, figs.2, 4, col.7 line 2-65).

modifying said e-mail body (allowing a sender to modify a previously sent email message) at said server (sender's email system 200 fig.2) according to said modification message (if sender select to modify the message, taking the sender to the modification path, see col.8 line 4 to col.9 line 22), if said e-mail body has not been accessed (if the message was not seen/viewed by recipients) on said server by any of said addressees (checking to see if the messages have been viewed by recipient, see

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fig.10a, col.14 lines 16-64), wherein the modification of said e-mail body is denied to **all addressees** if at least one addressee has accessed said e-mail body on said server (deleting previously sent message/modify message if the recipients have seen the message; therefore, there is modification from users/senders, see col.14 line 65 to col.15 line 45 and col.16 lines 26-60), wherein the modification of said email body occurs at said server (sender's email system) independently of any email processing means associated with each of said addressees (recipients) [enabling sender to modify message or delete a message after the message left the Email Control System (200 fig.2) to the remote Email Receiver 202 fig.2 regardless of the sender email programs, see col.6 lines 44-67 and col.18 lines 1-29]

As to claim 2, Nielsen discloses modification of said email consists in deleting said e-mail body or modifying a part of said e-mail body (modifying or delete a email message), said sender being informed by said server if said modification has been executed or not (using a modify database to track previously sent messages have been modified, see fig.8C, col.12 lines 39-64).

As to claim 11, Nielsen discloses a computer program product to be executed on a computer comprising computer program code embodied on a computer-readable medium, said computer program code means adapted to perform following steps:

composing a modification message (receiving a message containing a X-modify field including request for modifying a email message, see fig.11A, col.15 lines 41-51)

for modifying an e-mail addressed to a plurality of addressees (e-mail recipients) and sent to a predefined server (200 fig.2) (see col.15 line 52 to col.16 line 25).

sending said modification message to said server to modify at least the body of the email sent to (modifying or deleting email message including the body) and stored on said predefined server if the email body has not been accessed on said server by any of addressee (modifying the previous sent email message if the message has not been seen, see fig.11B, col.16 line 61 to col.17 line 22), wherein the modification of said e-mail body is denied if at least one addressee has accessed said e-mail body on said server (treating the cancel message/modify message as a normal message if the recipients have seen the message, see col.14 line 65 to col.15 line 45 and col.16 lines 26-60) and wherein the modification of said email body occurs at said server (sender's email system) independently of any email processing means associated with each of said addressees (recipients) [enabling sender to modify message or delete a message after the message left the Email Control System to the remote Email Receiver regardless of the sender email programs, see col.6 lines 44-67 and col.18 lines 1-29].

As to claim 12, Nielsen discloses a personal computer equipped with a computer program according to claim 11, computer program to be executed on a computer comprising computer program code embodied on a computer-readable medium, said computer program code means adapted to perform following steps:

composing a modification message (receiving a message containing a X-modify field including request for modifying a email message, see fig.11A, col.15 lines 41-51)

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for modifying an e-mail addressed to a plurality of addressees (e-mail recipients) and sent to a predefined server (200 fig.2) (see col.15 line 52 to col.16 line 25).

sending said modification message to said server to modify at least the body of the email sent to (modifying or deleting email message including the body) and stored on said predefined server if the email body has not been accessed on said server by any of addressee (modifying the previous sent email message if the message has not been seen, see fig.11B, col.16 line 61 to col.17 line 22), wherein the modification of said e-mail body is denied if at least one addressee has accessed said e-mail body on said server (treating the cancel message/modify message as a normal message without modification if the recipients have seen the message, see col.14 line 65 to col.15 line 45 and col.16 lines 26-60) and wherein the modification of said email body occurs at said server (sender's email system) independently of any email processing means associated with each of said addressees (recipients) [enabling sender to modify message or delete a message after the message left the Email Control System to the remote Email Receiver regardless of the sender email programs, see col.6 lines 44-67 and col.18 lines 1-29].

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 3-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen in view of Uchida et al. (hereafter Uchida), U.S. pat. No.6,327,610.

As to claim 3, Nielsen discloses a server (email system 200 fig.2) to be part of an e-mail system, said server being able to receive, from a data network (Internet 200 fig.2), an e-mail comprising an address header and a body by a sender (sender) to a plurality of addressees (recipients), said server comprising:

storing the body of a received e-mail (email system receiving a email message containing X-modify, see col.15 lines 45-52) together with an authentication protection (authentication protection including in the header of an email message, see col.10 lines 21-51) on said server (Email Control System 200 fig.2).

sending to each addressee (recipient) of said e-mail a notification (confirmation message) containing the access code for accessing said e-mail body (using database 1104 fig.11A to check for a matching entry, see fig.11A, col.15 line 51 to col.16 line 5)

handling a status storage (database 1105 fig.11A) indicating at least whether said e-mail body has been accessed by one of said addressees (maintaining information in the database if the recipient has seen the message, see col.16 lines 6-25).

if a modification message for modifying said e-mail body is received, modifying said e-mail body according to said modification message (modifying or deleting message), if said e-mail body has not been accessed on said server by any of said addressees [modifying the previous sent email message if the message has not been seen, see fig.11B, col.14 lines 22-64 and col.16 line 61 to col.17 line 22], wherein the modification of said email body occurs at said server (sender's email system) independently of any email processing means associated with each of said addressees (recipients) [enabling sender to modify message or delete a message after the message left the Email Control System to the remote Email Receiver regardless of the sender email programs, see col.6 lines 44-67] and wherein the modification of said e-mail body is denied **to all addressees** if at least one addressee has accessed said e-mail body on said server (deleting previously sent message/modify message if the recipients have seen the message; therefore, there is modification from users/senders, see col.14 line 65 to col.15 line 45 and col.16 lines 26-60).

Nielsen suggests using an authentication protection to protect the access to email messages (using authentication protection facility in the headers of email message).

Nielsen does not specifically disclose an access code. However, Uchida in the same broadcasting electronic mails in the Internet discloses an access code, storing an

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access code as a key for access to the electronic mail, see Uchida's fig.2, col.6 line 54 to col.7 line 24). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement an access code in the computer system of Nielsen to protect the privacy of email messages because it would have enabled prevention of enormous traffic at a network caused by distribution of electronic mail (see Uchida's col.3 lines 9-22) and thus protected the privacy of electronic email distribution in a communications network.

As to claim 4, Nielsen discloses sending a message to the sender of said modification message to notify the sender if the modification has been executed or not (using a modify database to track if previously sent messages have been modified, see fig.8C, col.12 lines 39-64 and col.14 lines 45-64).

As to claim 5, Nielsen discloses sending a message to the sender of said e-mail containing authentication information associated to said e-mail (sender storing a modify message including authentication header for providing a previous sent email message, see figs.2, 7B, col.10 lines 21-51). Nielsen suggests using an authentication protection to protect the access to email messages (using authentication protection facility in the headers of email message). Nielsen does not specifically disclose an access code. However, Uchida in the same broadcasting electronic mails in the Internet discloses an access code, storing an access code as a key for access to the electronic mail, see Uchida's fig.2, col.6 line 54 to col.7 line 24). It would have been obvious to one of the

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ordinary skill in the art at the time the invention was made to implement an access code in the computer system of Nielsen to protect the privacy of email messages because it would have enabled prevention of enormous traffic at a network caused by distribution of electronic mail (see Uchida's col.3 lines 9-22) and thus protected the privacy of electronic email distribution in a communications network.

As to claim 6, Nielsen discloses downloading said e-mail body to one of said addressee (recipient) providing an authentication and deleting said e-mail body at said server when each one of said addressees has accessed said e-mail body at said server (email system) (modify or deleting a message according to how long the messages have been inactive and checking to see if the messages have been viewed by recipient, see col.12 line 39 to col.13 line 6). Nielsen suggests using an authentication protection to protect the access to email messages (using authentication protection facility in the headers of email message). Nielsen does not specifically disclose an access code. However, Uchida in the same broadcasting electronic mails in the Internet discloses an access code, storing an access code as a key for access to the electronic mail, see Uchida's fig.2, col.6 line 54 to col.7 line 24). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement an access code in the computer system of Nielsen to protect the privacy of email messages because it would have enabled prevention of enormous traffic at a network caused by distribution of electronic mail (see Uchida's col.3 lines 9-22) and thus protected the privacy of electronic email distribution in a communications network.

As to claim 7, Nielsen discloses storing the header of said e-mail and executing an authentication procedure (using an authentication header information in the modify message) when a user tries to access said e-mail body (see figs.2, 6A-6D, 7A, col.7 line 40 to col.8 line 59, col.9 lines 22-67 and col.10 line 21 to col.11 line 43). Nielsen suggests using an authentication protection to protect the access to email messages (using authentication protection facility in the headers of email message). Nielsen does not specifically disclose an access code. However, Uchida in the same broadcasting electronic mails in the Internet discloses an access code, storing an access code as a key for access to the electronic mail, see Uchida's fig.2, col.6 line 54 to col.7 line 24). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement an access code in the computer system of Nielsen to protect the privacy of email messages because it would have enabled prevention of enormous traffic at a network caused by distribution of electronic mail (see Uchida's col.3 lines 9-22) and thus protected the privacy of electronic email distribution in a communications network.

As to claim 8, Nielsen discloses storing the header of said e-mail and receiving a modification message (generating required headers after receiving an action message, see col.9 lines 23-42), dedicated to modifying said e-mail header only OR said e-mail body (modifying said email body) and modifying said e-mail header according to said modification message (modifying or cancel message in the e-mail's header, see figs.7A,

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col.9 lines 23-67), if said e-mail has not been accessed by any of said addressees (if the message is not viewed by recipient by using a message seen field, see fig.8B, col.10 lines 21-48 and col.12 lines 5-38).

As to claim 9, Nielsen discloses storing the header of said e-mail and sending to said addressees an e-mail containing said e-mail header and said e-mail body after a predefined time period (a week) (deleting email message if it has been inactive for more than a week) and deleting (deleting message) at said server said e-mail header and said e-mail body (see fig.8C, col.12 line 39 to col.13 line 23).

As to claim 10, Nielsen discloses a computer program product to be executed on a server according to claim 3, said computer program product comprising means embodied on a computer-readable medium and adapted to perform a method of modifying an email comprising an address header (header field of the message) and a body and sent to a plurality of addressees (recipients), said method comprising:

storing the body of a received e-mail (email system receiving a email message containing X-modify, see col.15 lines 45-52) together with an authentication protection (authentication protection including in the header of an email message, see col.10 lines 21-51) on said server (Email Control System 200 fig.2) and sending to each addressee (recipient) of said e-mail a notification (confirmation message) containing the access code for accessing said e-mail body (using database 1104 fig.11A to check for a matching entry, see fig.11A, col.15 line 51 to col.16 line 5), handling a status storage

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(database 1105 fig.11A) indicating at least whether said e-mail body has been accessed by one of said addressees (maintaining information in the database if the recipient has seen the message, see col.14 lines 22-64 and col.16 lines 6-25) and if a modification message for modifying said e-mail body is received, modifying said e-mail body according to said modification message (modifying or deleting email message including the body), if said e-mail body has not been accessed on said server by any of said addressees [modifying the previous sent email message if the message has not been seen, see fig.11B, col.16 line 61 to col.17 line 22], wherein the modification of said e-mail body is denied **to all addressees** if at least one addressee has accessed said e-mail body on said server (deleting previously sent message/modify message if the recipients have seen the message; therefore, there is modification from users/senders, see col.14 line 65 to col.15 line 45 and col.16 lines 26-60) and wherein the modification of said email body occurs at said server (sender's email system) independently of any email processing means associated with each of said addressees (recipients) [enabling sender to modify message or delete a message after the message left the Email Control System to the remote Email Receiver regardless of the sender email programs, see col.6 lines 44-67 and col.18 lines 1-29].

Nielsen suggests using an authentication protection to protect the access to email messages (using authentication protection facility in the headers of email message). Nielsen does not specifically disclose an access code. However, Uchida in the same broadcasting electronic mails in the Internet discloses an access code, storing an access code as a key for access to the electronic mail, see Uchida's fig.2, col.6 line

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54 to col.7 line 24). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement an access code in the computer system of Nielsen to protect the privacy of email messages because it would have enabled prevention of enormous traffic at a network caused by distribution of electronic mail (see Uchida's col.3 lines 9-22) and thus protected the privacy of electronic email distribution in a communications network.

(10) Response to Argument

a. Appellant asserts that the cited reference does not disclose the appellant's claimed invention "the modification of said e-mail body is denied to all addressees if at least one addressee has accessed said e-mail message" as in claim 1.

Examiner respectfully disagrees. Examiner points out that the Nielsen reference discloses that the wherein the modification of said e-mail body is denied to all addressees if at least one addressee has accessed said e-mail message (deleting previously sent message/modify email message if the recipients have seen the email message; therefore, there is no modification to the email message from users/senders. By deleting of the email message, there is no email message available for users/recipient to see/modify the email message, see col.14 line 65 to col.15 line 45 and col.16 lines 26-60). It would meet he

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breadth of the claim; therefore, the rejection of the claim is respectfully maintained.


(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Conferees:


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PRIMARY EXAMINER
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JASON CARDONE
SUPERVISORY PATENT EXAMINER